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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,192	12/21/2000	James A. Parker	283-205.03 CON	3152

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EXAMINER
LE, THIEN MINH

ART UNIT	PAPER NUMBER
2876	2

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,192	PARKER ET AL.	
	Examiner	Art Unit	
	Thien M. Le	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 January 1945* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/21/2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claims 1-45 are presented for examination.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-2, 16, 19, 34, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Poland (Poland - 4,825,058), or Haydon (Haydon – 4,889,977), or Elliot et al. (herein after Elliott – 4,861,972).

Poland discloses a bar code reader configuration and control using a bar code menu to directly access memory. According to Poland, the bar code reader configuration and control system uses an interpreter routine in the operating system of the bar code reader and a menu with bar code tags encoded to invoke instructions which directly access and manipulate the system's memory. The instructions encoded

in the bar code labels on the menu can access any memory address in the operating system to load any value at a given bit or byte location. By changing the values at the accessed memory locations, the menu tags perform two kinds of functions, configuring the operating characteristics of the bar code reader and controlling the operation of the reader.

Poland also acknowledges that a particularly advantageous way of reconfiguring a bar code reader is by using the wand to scan commands for input rather than using a keyboard to enter the commands or an application program on the host computer to download the commands from the host computer. The set of commands for reconfiguring the reader are encoded in a special set of bar code tags on a menu. Scanning the bar code tags on the menu is easy for the operators of the bar code reader who are skilled in its operation but may not be skilled in computer operation. It also may eliminate the need for having an input keyboard in the bar code reader. Finally, scanning avoids errors in entering the commands necessary to perform the reconfiguration or change the operation of the bar code reader.

Haydon discloses a method of identifying the disposition of portable modular plug-in units (11) of telecommunications equipment. A bar code (15) is first placed on each plug-in unit (11). A scanner (21) or a personal computer (25) is then programmed to identify which plug-in units (11) are to be scrapped, which are to be modified, which are to be tested, and which require no action. Each bar code (15) is scanned with a scanning wand (17) and then the scanner (21) or computer (25) is read to determine what action to take regarding each plug-in

unit (11).

According to Haydon, the scanner 23 is hand-held and portable. The scanner 23 is programmable and has a considerable amount of memory storage capability. The scanner 23 is programmed directly by pressing buttons 33 which are located on the scanner 23 or by a downloading process from a computer into the hand-held scanner.

Elliott discloses a bar code scanner and method of programming. Specifically, Elliott's invention relates to a large retail establishment wherein a single host computer 10 may service a great many scanners. According to Elliott, when the scanners are installed or serviced, it may not be convenient to transmit the control characters to the scanner from the host computer, since this would interrupt the interactionof the host computer 10 with the balance of the scanners. Additionally, the host computer 10 may be physically located at a site remote from the scanner being service or installed, making the use of the host computer 10 somewhat inconvenient for purposes of inputting control characters at times when the technician is performing tests at the scanner location.

As can be seen, Poland/Haydon/Elliott discloses the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3-15, 17-18, 20-33, 35-43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poland (Poland - 4,825,058), or Haydon (Haydon – 4,889,977), or Elliot et al. (herein after Elliott – 4,861,972) in view of the prior art of records (particularly, Tymes – 5,157,687; Goodwin III, herein Goodwin – 5,793,029; Madan et al., herein Madan - 5,496,992; Karlisch et al., herein Karlisch – 5,212,369).

Regarding claims 3-15, 17-18, 20-33, 35-43, and 45, see the discussions above. Specifically, the claim differ in calling for the specifics of the communication links (i.e. wireless, RS-232, copper wired, telephone, Ethernet), loading process

(acknowledgement, etc.), storage media (i.e. magnetic, CD-ROM) and system operations. It would have been obvious to incorporate these limitations in the system as taught by Poland/Haydon/Elliott. In light of the conventionality of the use of these limitations in the prior art of record, the modifications are merely design considerations that are well within skill levels and expectations of an ordinary skilled artisan. Some prior art references are herein cited as evidence showing the conventionality of the claimed limitations.

Specifically, Tymes discloses the use of bar code readers in a package data communication network. Referring to FIG. 3, Tymes shows a typical commercial or retail application of a network comprising: the host processor 10 for maintaining a database management system (employing suitable database management software similar to that commercially available) to which the remote units 15 make entries or inquiries via the base stations 12, 13 and 14. According to Tymes, the host processor 10 has a CPU 20 which may be a microprocessor device of the 80386 type manufactured by Intel, for example, and the CPU accesses a memory 21 via a main bus 22 to execute instructions. Various I/O processors 23 are used to access peripherals such as keyboard, video display, etc., as well as disk storage 24 for the database system and other computer functions. A communications adapter 25 couples the CPU 20 via main bus 22 to the link 11. This communications link 11 may be of the serial type such as RS232, or in a system designed for higher performance the link 11 may use one of the available local area network type of protocols such as Ethernet or token ring; in the example embodiment, however, the standard local area network protocols

are needlessly complex and expensive, and a more optimum solution is merely use of a serial port connected to a shared serial line 11, on a time-sharing basis (e.g., time slotted). The data rate on the link 11 is rather modest compared to typical 4-Mbit or 16-Mbit/sec LAN links of the token ring or Ethernet type; about 160-Kbit/sec is adequate for the link 11, and so one of the various time-slot type of serial link methods may be used.

Goodwin discloses an electronic price label having two dimensional bar code reader. According to Goodwin, a communication circuitry 40 transmits and receives messages between terminal 24 and EPL 22. Communication may be wired, wireless, or a combination of wired and wireless. One such message is a message that activates 2-D bar code reader 58 through switch 59.

Madan discloses a dual trigger multiplexed data entry terminal. Specifically, Madan discloses a wireless handheld data entry terminal that has a plurality of multi-function programmable data entry keys and that, upon entry of data into the terminal, conveys the data to a central host computer by wireless communication means.

Briefly described, a wireless data entry terminal constructed according to the preferred embodiment of the present invention has a terminal housing, a processor and data transceiver located within the housing, and a set of data entry keys on the housing. The processor runs a data entry program having a plurality of key definition tables. The data transceiver receives the program from a remote host computer, routing the

program to the processor and transmitting data entered at the terminal from the terminal to the host computer. At least one key of the set of data entry keys is operative for scrolling through the plurality of key definition tables. A subset of the set of data entry keys is used for entering data in a manner defined by a key definition table selected from the plurality of key definition tables of the data entry program.

According to Madan, in practicing the invention, a host computer, a wireless data acquisition terminal having a processor, a data entry scanner, a plurality of data entry keys, and a display are provided, with the terminal being in communication with the host computer. A program having a plurality of key definition tables is downloaded from the host computer to the wireless data acquisition terminal. A key definition table is selected from the program at the wireless data acquisition terminal. Subsequently, the display indicates the key definition associated with each key in the selected key definition table. Prompts are provided at the display for data entry. The key definition tables may be selectively switched to allow for a variety of data entry registers. Data entered at the terminal is displayed and, upon all data being entered, is sent to the host computer via a wireless data transceiver in the terminal.

Further, Madan shows in Figure 4 the block diagram form the components of the data entry terminal. According to the figure, a terminal processor 115 is operative to receive and store the data entry program downloaded from the host computer through an RF transceiver 120. The RF transceiver 120 communicates with the host computer using conventional FM frequency-hopping spread spectrum transmission protocol as described in U.S. Pat. No. 5,287,384 issued Feb. 15, 1994, which is commonly owned

by the same assignee. The RF transceiver, in addition to receiving information from the host computer, also is capable of sending data to the host computer when the processor detects a SEND command. As previously discussed, the terminal may also communicate with the host computer when the terminal is physically connected to the host computer through the RS-232 link 29.

Karlishch discloses a method of loading applications programs into a memory card reader having a microprocessor, and a system for implementing the method. Specifically, Karlisch discloses a card processing system wherein applications programs in the memories of memory cards are loaded into in the RAM of a card reader.

As can be seen from above, the prior art of record includes the teachings of the telephone connection, the Ethernet, the RS-232 link, the wire (or copper wired) link, the RF communication link, the step of loading application programs from a card (which inherently include the teaching of magnetic card, smart card, CD-ROM, etc.).

Remarks

The prior art of record comprises many underlying inventiveness features of the instant invention. Since the claims are somewhat broad in light of the prior of record, all claims have been respectfully rejected. The examiner respectfully request applicants to review the prior art of record and to amend the claims accordingly to define over the prior of record (if possible) in order to expedite prosecution of this instant application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (703) 305-3500. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Le, Thien M.
Primary Examiner
Art Unit 2876
June 19, 2002